

1 **LEVI & KORSINSKY, LLP**
2 Adam M. Apton (SBN 316506)
3 Adam C. McCall (SBN 302130)
4 Email: aapton@zlk.com
5 Email: amccall@zlk.com
6 388 Market Street, Suite 1300
7 San Francisco, CA 94111
8 Tel.: 415-373-1671
9 Fax: 415-484-1294

10 *Attorneys for Class Representative*
11 *Glen Littleton and Class Counsel*

12 [Additional Counsel on Signature Page]

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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18
19
20 IN RE TESLA, INC. SECURITIES
21 LITIGATION

22 Case No. 3:18-cv-04865-EMC

23
24 **ADMINISTRATIVE MOTION TO FILE
25 UNDER SEAL PLAINTIFF'S MOTION
26 FOR ISSUANCE OF A REQUEST FOR
27 JUDICIAL ASSISTANCE (LETTERS
28 ROGATORY)**

29 Date: February 18, 2021

30 Time: 1:30 p.m.

31 Location: Courtroom 5, 17th Floor

32 Judge: Hon. Edward M. Chen

33 Date Action Filed: August 10, 2018

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35 Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Glen Littleton brings this administrative
36 motion to file under seal the exhibits to Plaintiff's Motion for Issuance of a Request for Judicial
37 Assistance (Letters Rogatory). Counsel certify that they have reviewed and complied with Civil L.R.
38 79-5. Plaintiff requests an order granting their motion to file under seal the materials in the following
table:

Document	Portions to be Filed Under Seal	Party Claiming Confidentiality	Basis for Sealing
Exhibit A: SEC-EPROD-000016694 [ECF No. 303-3]	Entirety	Non-Party United States Securities & Exchange Commission	L.R. 79-5(e), Designated Confidential under Protective Order
Exhibit B: SEC-EPROD-000009477 [ECF No. 303-4]	Entirety	Non-Party United States Securities & Exchange Commission	L.R. 79-5(e), Designated Confidential under Protective Order

Under Rule 26(c), the party seeking protection bears the burden of showing specific prejudice or harm will result if no protective order is granted. *See Beckman Indus., Inc. v. International Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992). But the Ninth Circuit has recognized that good cause to seal information obtained during pretrial discovery has been shown “[w]hen a court grants a protective order” for that information. *Phillips ex rel. Estates of Byrd v. General Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002). When a document unearthed under a protective order is attached to a nondispositive motion, the right to inspect and copy judicial records is rebutted. *Id.*

Plaintiff only seeks to file documents under seal that are already subject to the Stipulated Protective Order entered by this Court on May 20, 2020 (ECF No. 255) and have been designated as “Confidential” by the producing party. The motion at issue—Plaintiff’s Motion for Issuance of a Request for Judicial Assistance (Letters Rogatory)—is not dispositive. Plaintiff’s motion is concerned solely with his desire to obtain testimony from the Kingdom of Saudi Arabia’s sovereign wealth fund named the “Public Investment Fund” regarding the above-captioned action. The above-listed exhibits to Plaintiff’s Motion for Issuance of a Request for Judicial Assistance (Letters Rogatory) were produced to Plaintiff by the United States Securities & Exchange Commission (the “SEC”) in response to Plaintiff’s subpoena. The SEC received these documents from the Public Investment Fund under a request for confidential treatment. The SEC produced these documents under the Stipulated Protective Order entered by this Court on May 20, 2020 (ECF No. 255) and designated them as “Confidential”.

1 It may be that, in the event Plaintiff's Motion for Issuance of a Request for Judicial
2 Assistance (Letters Rogatory) is granted, that some relief from the terms of the Stipulated Protective
3 Order may be needed in the future when effecting the Letters Rogatory. Plaintiff will seek
4 appropriate relief from the Court in the event that need arises. In the meantime, Plaintiff respectfully
5 requests the Court enter an order sealing the documents listed above.

6 Dated: January 14, 2021

7 Respectfully submitted,

8 **LEVI & KORSINSKY, LLP**

9 s/ Adam M. Apton

10 Adam M. Apton (SBN 316506)
11 Adam C. McCall (SBN 302130)
12 388 Market Street, Suite 1300
13 San Francisco, CA 94111
14 Tel.: 415-373-1671
15 Fax: 415-484-1294
16 Email: aapton@zlk.com
17 Email: amccall@zlk.com

18 -and-

19 Nicholas I. Porritt
20 Alexander A. Krot III
21 LEVI & KORSINSKY, LLP
22 1101 30th Street N.W., Suite 115
23 Washington, D.C. 20007
24 Tel.: (202) 524-4290
25 Email: nporritt@zlk.com
26 Email: akrot@zlk.com

27 -and-

28 Joseph Levi
29 Eduard Korsinsky
30 LEVI & KORSINSKY, LLP
31 55 Broadway, 10th Floor
32 New York, New York 10006
33 Tel.: (212) 363-7500
34 Fax: (212) 363-7171
35 Email: jlevi@zlk.com
36 Email: ek@zlk.com

37 *Attorneys for Class Representative
38 Glen Littleton and Class Counsel*

PLAINTIFF'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL
CASE NO. 3:18-cv-04865-EMC

CERTIFICATE OF SERVICE

I, Adam M. Apton, declare as follows:

I am a citizen of the United States. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 388 Market Street, Suite 1300, San Francisco, CA 94111.

On the date set forth below, I served a copy of Plaintiff's Administrative Motion to File Under Seal and accompanying documents on counsel of record in this action via CM/ECF and the following individuals via electronic mail:

Kevin Solonsky, Esq., Counsel for the U.S. Securities & Exchange Commission

I declare under penalty of perjury under the laws of the State of California and the United States that the above is true and correct.

Executed this 14th day of January, 2021.

s/ Adam M. Apton
Adam M. Apton